



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/061,129

11/13/2001

Thomas Tyson Lowery

G04.014

2257

28062 7590 07/24/2007
BUCKLEY, MASCHOFF & TALWALKAR LLC
50 LOCUST AVENUE
NEW CANAAN, CT 06840

EXAMINER

RETTA, YEHDEGA

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

07/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/061,129

Applicant(s)

LOWERY, THOMAS TYSON

Examiner

Yehdega Retta

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed April 30, 2007. Applicant amended claim 1 and canceled claim 13. Claims 1-12 and 14-31 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 and 14-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over powerbuyerservice.com and further in view of Joao (US 20010037205 A1).

Regarding claims 1, 12, 14, 22, 25, 26, 27 and 30, Powerbuyerservice teaches receiving initial information about a customer for the first part (referral source); wherein the initial information identifies a service and the first party is a referral source (Powerbuyer); identifying second party (service provider) to which to provide the information; providing the second party with the information; receiving updates information regarding said customer (see page 26, also applicant's background page 1). Powerbuyerservice does not teach determining compensation owned by said second party based on at least in part on said updated information and receiving the compensation. Joao teaches the Merchant computer can transmit any and/or all transaction data and/or information such as commissions and/or referral fees due, and/or commissions and/or referral fees paid to, the Content Providers who or which utilize the apparatus of the present invention ([0002], [009]-[0014], [0022], [0073]. It would have been obvious to one of ordinary

skill in the art at the time of the invention to implement Joao's referral and commission tracking system so that the referral service provider of Powerbuyerservice can be paid for the service of referring customers, at taught by Joao (see [0073]. *If applicant is claiming that the source who provides the customer information is an individual who is different than the customer, or is a company (individual who works for a company), it does not have any effect on the part of receiving. Information is being received whether it is entered or provided by different individuals. However, Applicant's background, as also admitted by applicant, discloses companies using telemarketers, call centers, marketing agents etc., to generate leads for the company. Examiner is also aware that it is well known for companies to sell user information to other companies. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive customer information from a referral source, since companies have been providing or selling customer information to third party so other vendors could use the information for marketing purposes.*

Regarding claim 2, powerbuyerservice teaches allowing the first party to provide initial information via a web site ... (see page 1-8).

Regarding claim 3, powerbuyerservice teaches allowing the first part to select the second party allowing the first part to identify a service needed (see page 1-8 and applicant's background page 1).

Regarding claims 4-9 and 16-21, powerbuyerservice teaches determining a service associated with the characteristic of the user; identifying a party that can provide a service... (see applicant's background).

Regarding claims 10-11 and 15, 23, 24, 28, 29, 31, powerbuyerservice does not explicitly teach the second party providing the updated information via a web site ...charging fee to the second part per transaction between the customer and second part, it is taught in Joao (see fig. 3, [0109]-[0111], [0114]-[0117]). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the updated information via the web site, as in Joao, since the transaction is performed online or using the website and also to charge fee per transaction based on the agreement between the referring site and the service provide, as taught in Joao (see [0115]-[0117]).

Response to Arguments

Applicant's arguments filed April 30, 2007 have been fully considered but they are not persuasive.

Examiner could not understand applicant's argument. Applicant states what applicant's background teaches and what the prior art teaches. Applicant then asserts that neither the PowerBuyer Service Benefits document, nor the PowerBuyer Service Brochure, nor Applicant's background, nor any combination thereof proposed in the Office Action teaches or suggests a method that includes the combination of receiving initial information regarding a customer lead from a first party, wherein the initial information identifies a service and the first party is a referral source; and after receiving the initial information, identifying a second party that can provide the service and to which to provide at least a portion of the initial information, as recited in claim 1.

Applicant states "The Power BuyerService Benefits document states that PowerBuyer is a Preferred Provider program facilitated by GE Capital Real Estate (lines 2-3). The document

Art Unit: 3622

further states that PowerBuyer contracts with national vendors who provide products/services to owners and operators of commercial properties (lines 3-5) - "Is simply register your company and our Preferred Provider can all be accessed through one point of contact - our 800#" (lines 18-19).

The PowerBuyer Service Brochure discloses a list of services (page 2), a list of vendors (page 3-5) and a list of PowerBuyer successes (page 6, lines 1-28).

Applicant's background states that as part of a conventional sales and marketing strategy, a company may use telemarketers, call centers, marketing agents etc. to generate leads for the company. A lead may indicate a contact name, address, telephone number, etc. of a potential customer. A salesperson or other representatives of the company may then contact the potential customer or otherwise follow up with the potential customer.

Applicant's background further states that in some prior art systems, a business may operate a referral center, network, World Wide Web ("Web") site, or other device or entity which a customer may contact or otherwise interact with to look for information regarding one or more services the customer is interested in receiving or learning more about. The customer may then provide information to the device or entity and/or request that the device or entity forward information regarding the customer onto one or more service providers. For example, the Web site provided at www.powerbuyerservice.com allows a customer to select one or more service providers that the customer is interested in learning about and then informs the relevant service providers of the customer's interest. At this point, the Web site has limited, if any, ability to track use of the information by the service providers. In addition, requests from the Web site to a service provider is dependent on the request of a customer (page 1, lines 20-23)".

If applicant is asserting that in "BuyerService" the information regarding the consumer is received from a company instead of from an individual, Examiner would like to point out that it would not make a difference since the method of receiving the information does not change.

According to applicant's specification the information is entered in a web page or e-mailed so whether an individual from a company enters the information makes no difference. Applicant's background, also as admitted by applicant, discloses company may use telemarketers, call centers, marketing agents, etc., to generate leads for the company.

BuyerService also teaches after receiving the initial information from someone, a second party that can provide the service, to the individual who entered the information is identified. As stated by Applicant, applicant background discloses that the Web site provided at

www.powerbuyerservice.com allows a customer to select one or more services providers that the consumer is interested and then informs the relevant service providers of the customer's interest. As indicated by Applicant's background the Web site has limits there is ability to track use of the information by the service providers, (that is the updated information as claimed). Examiner relied on Joao for the teaching of compensating the referring party. Joao teaches a content provider web site, or its operator, can receive compensation for referring an individual who purchases and/or who otherwise engages in a transaction, from or on the web site associated with a merchant, vendor, and/or other seller or provider of goods and/or services.

Applicant states that, as with the PowerBuyer Service Benefits document, the PowerBuyer Service Brochure and Applicant's background, Joao does not teach or suggest a method that includes the combination of receiving initial information regarding a customer lead from a first party, wherein the initial information identifies a service and the first party is a referral source; and after receiving the initial information, identifying a second party that can provide the service and to which to provide at least a portion of the initial information, as recited in claim 1.

The only feature that Joao does not disclose is that, after receiving the initial information, identifying a second party that can provide the service. In Joao, the user selects the second party. The feature however is taught in Powerbuyerservice.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Yehdega Retta", with a stylized flourish at the end.

RETTA YEHDEGA
PRIMARY EXAMINER